

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

WILLIAM R. HAAS,	)	
	)	
Plaintiff/Counter-Defendant	)	
v.	)	
	)	Civil Action No. 1:10 CV
FALMOUTH FINANCIAL, LLC,	)	565 TSE/IDD
	)	
Defendant/Counter-Plaintiff	)	
_____	)	
	)	
HSC REAL ESTATE HOLDINGS, LLC,	)	
	)	
Counterclaim-Plaintiff,	)	
v.	)	
	)	
WILLIAM R. HAAS	)	
	)	
and	)	
	)	
LINDA HAAS,	)	
	)	
Counterclaim-Defendants.	)	
_____	)	

**ATTORNEY'S FEES AFFIDAVIT**

COMES NOW, David H. Moyes, Esquire, counsel for Defendant/Counter-Plaintiff, who after being sworn according to law, states the following:

1. I am over the age of eighteen, have personal knowledge of the matters contained herein, and am competent to testify to these matters.

2. My name is David H. Moyes, Esquire. I am a shareholder with the law firm Moyes & Associates, PLLC. ("M&A"). I received a law degree from the Columbus School of Law at Catholic University in 1973 and have been practicing in the Northern Virginia area since

that time. Jack C. Hanssen, Esquire is an associate attorney with the firm since 2005. He obtained a law degree from the University of Notre Dame School of Law in 2002 and has been practicing in Northern Virginia since that time. James Precobb, Esq. is an associate attorney, obtained a law degree from the University of Notre Dame School of Law in 2002, is licensed in the state of California and has been with the firm since 2010, he has been billed as a paralegal.

3. I represent Falmouth Financial, LLC ("**Falmouth**") in the above-captioned matter.

4. True and accurate copies of M&A's billing statement reflecting Falmouth's attorney's fees and costs incurred in this matter are attached hereto as Exhibit A (the "**Billing Statement**").

5. Litigation of this matter against Plaintiff/Counter-Defendant William R. Haas required the time and effort of those attorneys referenced in the Billing Statements. In the Billing Statement, "DHM" refers to me, David H. Moyes, Esquire, and "JCH" refers to Jack C. Hanssen, Esquire, and "JMP" refers to James M. Precobb, Esquire.

6. The hourly billing rate for each attorney that worked on this matter, during the period in which the work was performed is as follows: (1) David H. Moyes, \$425/hr., and (2) Jack C. Hanssen, \$350/hr. Those hourly rates reflect the rate regularly charged to, and received from, clients during that period. James Precobb has been billed to the client as a paralegal at the rate of \$300/hr.

7. The total attorney's fees incurred by Falmouth to date are \$71,065.00 with additional costs of \$3,814.61 as reflected in the Billing Statement.


8. I am familiar with the hourly rates charged by other practitioners in Northern Virginia with similar expertise and experience to the attorneys who worked on this matter for Falmouth. The hourly rates charged by each of the attorneys and for paralegals who worked on

this matter for Falmouth are consistent with the hourly rates charged by other practitioners in Northern Virginia with similar expertise and experience.

9. Having litigated dozens of civil matters in state and federal courts throughout the Commonwealth of Virginia, I am familiar with what services are necessary to bring a civil litigation matter to a successful conclusion. The services performed, including the time spent, by each of the attorneys who worked on this matter for Falmouth and reflected in this Affidavit were reasonably necessary given the facts and circumstances associated with these proceedings.

10. The amount of attorney's fees charged to Falmouth in this matter, and sought now from the Defendant, is reasonable.

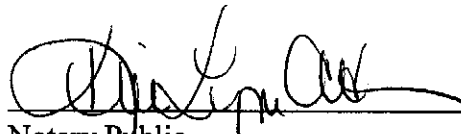
FURTHER YOUR AFFIANT SAYETH NOT.

  
\_\_\_\_\_  
DAVID H. MOYES

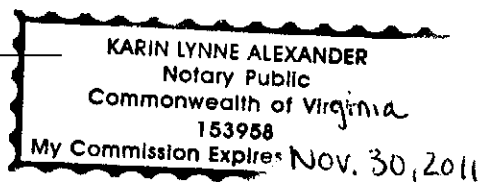
COMMONWEALTH OF VIRGINIA

County of Loudoun, to wit:

Personally appeared before me this 16th day of May, 2011, David H. Moyes, of the law firm Moyes & Associates, PLLC, who states and says that he is attorney for the above named Defendant/Counter-Plaintiff, and who further states that the foregoing is true and correct to the best of his knowledge and belief.

  
\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_



MOYES & ASSOCIATES, P.L.L.C.  
21 North King Street  
Leesburg, VA 20176

Invoice submitted to:  
Falmouth Financial  
P.O. Box 3009  
Warrenton, VA 20188

May 12, 2011

In Reference To: Haas Default  
Invoice #10914

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
7/31/2009 DHM Review file; telephone with client	1.00 425.00/hr	425.00
8/3/2009 DHM Telephone with David Stone; draft letter	1.00 425.00/hr	425.00
8/10/2009 DHM Telephone re letter; closing and documentation	0.50 425.00/hr	212.50
8/11/2009 DHM Review plats; draft letter	1.00 425.00/hr	425.00
8/12/2009 DHM Letter to Compliance Counsel	0.40 425.00/hr	170.00
8/14/2009 DHM Email; telephone with Dena Roudybush re conference call	0.50 425.00/hr	212.50
8/19/2009 DHM Telephone with Dena Roudybush (had to schedule continuation); status to client	0.30 425.00/hr	127.50
8/25/2009 DHM Prepare package for Dena Roudybush; emails with client	0.50 425.00/hr	212.50
8/27/2009 DHM Telephone with Dena (not completed)	0.30 425.00/hr	127.50
9/2/2009 DHM Telephone with client; email counsel re status	0.40 425.00/hr	170.00

		<u>Hrs/Rate</u>	<u>Amount</u>
9/3/2009	DHM Email exchange with Dena Roudybush	0.50 425.00/hr	212.50
	DHM Emails with client	0.30 425.00/hr	127.50
9/4/2009	DHM Telephone with Dena Roudybush; email client	1.00 425.00/hr	425.00
9/9/2009	DHM Telephone with David Stone re status	0.30 425.00/hr	127.50
9/10/2009	DHM Settlement offer; telephone with David Stone	0.80 425.00/hr	340.00
9/25/2009	DHM Email re status	0.30 425.00/hr	127.50
7/14/2010	DHM Email to David Stone; telephone with Tom Ross	0.40 425.00/hr	170.00
7/16/2010	DHM Review file and pleadings; draft; meeting w/David Stone	3.00 425.00/hr	1,275.00
7/17/2010	DHM Review legal; prepare letter	3.00 425.00/hr	1,275.00
7/19/2010	JCH Legal research re 2008 CFRs applicable; review w/David Moyes; review draft answer	3.20 350.00/hr	1,120.00
	JCH Legal research; prepare case briefs re commercial purpose; review letter; prepare outline of use, outline CFP	6.00 350.00/hr	2,100.00
7/20/2010	JCH Revise answer and counterclaim; conference with Jim Precobb re same; conference with David Moyes re statutes and defenses	1.90 350.00/hr	665.00
	JCH Revise answer and counterclaim	1.00 350.00/hr	350.00
	DHM Prepare letter; forward draft response; email David Stone; message for Angela; phone disconnected	3.00 425.00/hr	1,275.00
7/21/2010	JCH Review local rules re ECF filing; review 7.1 filing	0.40 350.00/hr	140.00
	JCH Revise answer and counterclaim per DHM comments	1.90 350.00/hr	665.00
	JCH Review counterclaim and answer	0.60 350.00/hr	210.00

		<u>Hrs/Rate</u>	<u>Amount</u>
7/21/2010	DHM Review answer; closing file; emails	4.00 425.00/hr	1,700.00
	DHM Final revisions	1.00 425.00/hr	425.00
7/22/2010	JCH ECF package prep and ECF submission	0.70 350.00/hr	245.00
	DHM Review upload; answer; email Tom	1.50 425.00/hr	637.50
8/6/2010	DHM Status to client	0.20 425.00/hr	85.00
8/9/2010	DHM Discovery; review interrogatories, admissions	1.00 425.00/hr	425.00
8/12/2010	JCH Review status of case filing; research re FedRCivPro 55; prepare motion for deferred judgment; prepare affidavit; prepare draft order; conference w/David Moyes	3.40 350.00/hr	1,190.00
8/13/2010	DHM Rules re discovery default; pleadings	1.80 425.00/hr	765.00
8/16/2010	DHM Telephone with Chris Whelan; affidavit; review default; changes	0.30 425.00/hr	127.50
	JCH Revise motion for default; conference with David Moyes re same	1.40 350.00/hr	490.00
8/17/2010	DHM Review answer; phone conference with Henry McLaughlin - Rule 26	2.00 425.00/hr	850.00
8/18/2010	DHM Email Joint Report	0.40 425.00/hr	170.00
	JCH ECF filing of joint report	0.20 350.00/hr	70.00
8/19/2010	JCH Conference with Jim Precobb re handwriting expert	0.20 350.00/hr	70.00
	DHM Telephone with Chris Whelan	0.50 425.00/hr	212.50
8/20/2010	DHM Handwriting - Christ/Stone re witnesses	0.60 425.00/hr	255.00
8/24/2010	JCH Prepare motion to join party; draft order; revise per David Moyes comments	2.40 350.00/hr	840.00

			<u>Hrs/Rate</u>	<u>Amount</u>
8/24/2010	DHM	Email David Stone; telephone with Henry McLaughlin; mtg with Jack Hanssen re document prep	1.50 425.00/hr	637.50
	JMP	Rule 26 disclosures	0.20 300.00/hr	60.00
8/25/2010	DHM	Haas Pretrial in Alexandria	4.00 425.00/hr	1,700.00
	JMP	Continue research Rule 26 disclosures	0.30 300.00/hr	90.00
9/7/2010	JCH	Review redacted documents re confidential information; instructions	0.80 350.00/hr	280.00
	DHM	Emails re Rule 26	0.50 425.00/hr	212.50
	JMP	Isolate redactable materials in file	1.10 300.00/hr	330.00
	JMP	Copy non-redacted materials	0.60 300.00/hr	180.00
	JMP	Prepare redacted copies of documentation	1.70 300.00/hr	510.00
	JMP	Additional copies of non-redacted materials from Compliance Counsel	0.20 300.00/hr	60.00
9/8/2010	DHM	Rule 26 disclosures	0.50 425.00/hr	212.50
9/9/2010	JCH	Review 2 filings; review expert information; prepare email to client re disclosures and forensic experts; need for electronic back-up documents	1.60 350.00/hr	560.00
	JCH	Prepare letter and package for expert; review requirements	2.10 350.00/hr	735.00
	JMP	Interrogatories and PODs	0.50 300.00/hr	150.00
	JMP	Deposition for Curtis Baggett	0.80 300.00/hr	240.00
9/13/2010	DHM	Occupancy document; print date	0.40 425.00/hr	170.00
9/14/2010	DHM	Telephone with David Stone; telephone with Chris Whelan; review pleadings	1.50 425.00/hr	637.50

		<u>Hrs/Rate</u>	<u>Amount</u>
9/14/2010	JCH Telephone with Ron Morris; email package; telephone with Chris Whelan; review letter to Ron Morris; conference with David Moyes re same	0.50 350.00/hr	175.00
	JMP Letter to Ron Morris	0.20 300.00/hr	60.00
9/16/2010	JMP Rule 26(a)(2) Disclosure of Expert Testimony	0.50 300.00/hr	150.00
9/17/2010	DHM Review pledge agreement	0.40 425.00/hr	170.00
9/21/2010	JCH Review plaintiff's expert disclosures; email to Chris Whelan	0.20 350.00/hr	70.00
9/23/2010	JCH Review pledge agreement; prepare redline; clean copy; second review; email to Whelan re changes	2.10 350.00/hr	735.00
	DHM Pledge agreement; motion	0.80 425.00/hr	340.00
9/24/2010	JCH Review depo time frames; begin preparing depo notices per Rule 30	0.30 350.00/hr	105.00
	DHM Telephone with Henry re deposition Rule 30(b)	0.50 425.00/hr	212.50
	JMP Notice of deposition for William Haas; notice of deposition for Linda Haas	0.60 300.00/hr	180.00
9/27/2010	DHM Disclosures; handwriting report	1.20 425.00/hr	510.00
	JCH Voicemail from Ron Morris; telephone with Ron Morris; review known documents; compare; conference with David Moyes re need for new expert; telephone with Morris re return of originals	0.80 350.00/hr	280.00
	JCH Research re other available experts; telephone with Applied Forensics; telephone with Don Ryan; email to Morris; telephone with Moran re expedited document review; review retainer; email to Moran with package of documents	2.20 350.00/hr	770.00
9/28/2010	JCH Telephone with Ron Morris; telephone with Moran; conference with J. Precobb re document package	0.20 350.00/hr	70.00
9/29/2010	DHM Telephone with Henry McLaughlin; email deposition notices	1.00 425.00/hr	425.00
	JCH Conference with David Moyes re subpoenas; revise; file via ECF; email to Moran re status of document review; review response	0.50 350.00/hr	175.00



		<u>Hrs/Rate</u>	<u>Amount</u>
9/30/2010	JCH Telephone with T. Moran re expert testimony; conference with David Moyes re same; email to client and Chris Whelan re expert identification; review case law re sufficiency of expert designation	0.50 350.00/hr	175.00
	JCH Review and assemble expert designation; ECF filing; emails with Traci Moran	1.50 350.00/hr	525.00
	JMP Motion to compel	0.80 300.00/hr	240.00
	JMP Document redaction and prep for expert witness (Traci Moran)	0.30 300.00/hr	90.00
10/1/2010	DHM Court appearance; telephone with Chris Whelan, Henry	4.00 425.00/hr	1,700.00
10/3/2010	DHM Review information; report; impeachment; letter to David Stone	0.40 425.00/hr	170.00
10/6/2010	JCH Read case law re expert qualification	1.90 350.00/hr	665.00
	JCH Prepare memo re damaging material re their report; review material; email to Chris Whelan and client	2.40 350.00/hr	840.00
10/12/2010	DHM Order from Court; copy discovery; email re dates	0.70 425.00/hr	297.50
10/13/2010	JMP AIAS affidavit	0.30 300.00/hr	90.00
	JMP Motion to strike/disqualify plaintiffs expert witness	0.40 300.00/hr	120.00
10/18/2010	JMP Draft letter to depose Curtis Baggett; draft motion to remotely depose Curtis Baggett; limited appearance	1.00 300.00/hr	300.00
10/19/2010	JCH Review and revise motion to exclude; Blue Book check on citation format for Fed cr	5.20 350.00/hr	1,820.00
10/20/2010	DHM Review motion	2.00 425.00/hr	850.00
10/21/2010	DHM Review deposition notice/motion	1.00 425.00/hr	425.00
10/22/2010	DHM Telephone with Henry McLaughlin; email David Stone, Chris Whelan	0.80 425.00/hr	340.00
10/25/2010	JCH Finalize and file motion to strike	0.70 350.00/hr	245.00

		<u>Hrs/Rate</u>	<u>Amount</u>
10/26/2010	DHM Telephone with Henry McLaughlin; email re motion	0.80 425.00/hr	340.00
10/28/2010	JMP Notice of hearing for motion to strike	0.30 300.00/hr	90.00
11/1/2010	DHM Email re notice; email David Stone	0.50 425.00/hr	212.50
11/8/2010	JCH Review revised discovery responses	0.80 350.00/hr	280.00
11/10/2010	DHM Telephone with David Stone; prepare for depositions	1.90 425.00/hr	807.50
	JCH Finalize discovery responses; emails to client re same; telephone w/client	0.40 350.00/hr	140.00
	JCH prepare outline of deposition topics; conference w/David Moyes re same	0.70 350.00/hr	245.00
	JCH prepare for deposition; prepare deposition exhibits binders per David Moyes	3.10 350.00/hr	1,085.00
11/11/2010	JCH prepare additional discovery disclosures; depo binders	1.90 350.00/hr	665.00
	JMP Prepare exhibits for depositions	0.50 300.00/hr	150.00
11/12/2010	JMP Lexis research	0.40 300.00/hr	120.00
	JMP Notice of hearing	0.10 300.00/hr	30.00
	JCH Review letter from Chris Whelan re outstanding issues; review emails and caselaw re extension of time; file notice of hearing; conference w/David Moyes re same	1.00 350.00/hr	350.00
	DHM Depositions of Haas and Stone	6.00 425.00/hr	2,550.00
	DHM Ltr to Chris Whelan; review; email Henry McLaughlin motions	1.50 425.00/hr	637.50
11/15/2010	DHM Summary judgment cases	1.00 425.00/hr	425.00
11/16/2010	JCH Prepare discovery pkg for Chris Whelan	0.60 350.00/hr	210.00

		<u>Hrs/Rate</u>	<u>Amount</u>
11/16/2010	JCH Conference w/Chris Whelan and David Moyes re strategy in pretrial motions	0.30 350.00/hr	105.00
	JCH Prepare exhibit list	1.20 350.00/hr	420.00
	JCH Revise exhibit list; obtain ECF recent filings	0.30 350.00/hr	105.00
	JMP Motion in opposition to extend discovery	1.10 300.00/hr	330.00
	DHM Motion and opposition	0.50 425.00/hr	212.50
11/17/2010	JMP Continue motion in opposition to extend discovery	5.30 300.00/hr	1,590.00
	JCH LEXIS research re Rule 16 motion to extend time	0.30 350.00/hr	105.00
11/18/2010	JMP Occupancy statement exhibitis	0.30 300.00/hr	90.00
	DHM Pretrial in Alexandria and filing	3.50 425.00/hr	1,487.50
	JCH Prepare memo opposing extension; review 4th Circuit caselaw; prepare and file 26(a)(3) disclosures	3.40 350.00/hr	1,190.00
11/19/2010	JMP Deposition review, copying; jury instructions	0.70 300.00/hr	210.00
	DHM Discovery	1.00 425.00/hr	425.00
	JCH Review deposition of Ron Haas; research re deed; notice for failure to disclose witness	2.00 350.00/hr	700.00
11/22/2010	JCH Review and revise	0.50 350.00/hr	175.00
	JMP Objections to witnesses and exhibits	0.80 300.00/hr	240.00
11/23/2010	JCH Telephone w/Chris Whelan; review email	0.30 350.00/hr	105.00
11/29/2010	JCH Finalize and file objections to witnesses, exhibits	0.50 350.00/hr	175.00

		<u>Hrs/Rate</u>	<u>Amount</u>
11/29/2010	JMP Objections to Plaintiff witnesses and exhibits	0.20 300.00/hr	60.00
11/30/2010	JCH Review objections to exhibits filed by Haas	0.50 350.00/hr	175.00
12/2/2010	JMP Memorandum in opposition to Plaintiff's motion to extend time for discovery	0.30 300.00/hr	90.00
	JCH Finalize motion in opposition to extension of discovery	0.80 350.00/hr	280.00
12/3/2010	JCH Revise memo in opposition to motion to extend per David Moyes comments; file by EDF; email to client; email w/Chris Whelan	0.90 350.00/hr	315.00
12/7/2010	JCH Review draft summary judgment motion from Chris Whelan; prepare redline	1.70 350.00/hr	595.00
12/8/2010	JMP Motion for summary judgment	0.40 300.00/hr	120.00
	JMP Judgment order	0.50 300.00/hr	150.00
	DHM Summary judgment and order	1.20 425.00/hr	510.00
	JCH Review legal arguments in summary judgment motion; review caselaw; revise; email to Chris Whelan re same; email exchange w/client	1.90 350.00/hr	665.00
12/9/2010	JMP Scanning of documents; email correspondence w/Chris Whelan	0.40 300.00/hr	120.00
	JCH Final proof of summary judgment motion; discussion w/David Moyes, Chris Whelan; email to client	2.00 350.00/hr	700.00
12/10/2010	DHM Court appearance; motion to extend, summary judgment	4.00 425.00/hr	1,700.00
	JCH Review reply to opposition to extend discovery; telephone w/David Moyes re same	0.40 350.00/hr	140.00
	JCH Finalize and file motion for summary judgment	0.60 350.00/hr	210.00
12/30/2010	DHM Review memos, summary judgment	0.60 425.00/hr	255.00
1/13/2011	JMP LEXIS research; FastCase research; Journal/Assn Periodical; draft memorandum re motion to strike; draft memorandum re motion for summary judgment	6.20 300.00/hr	1,860.00

		<u>Hrs/Rate</u>	<u>Amount</u>
1/14/2011	DHM Prepare for and attend hearing in Alexandria	5.00 425.00/hr	2,125.00
1/20/2011	DHM Telephone w/Chris Whelan; forward Order	0.50 425.00/hr	212.50
2/10/2011	JMP PACER research	0.20 300.00/hr	60.00
2/28/2011	DHM Email Chris Whelan; telephone w/Chris Whelan	0.50 425.00/hr	212.50
3/1/2011	DHM Telephone and review w/Chris Whelan	1.00 425.00/hr	425.00
	DHM Telephone w/David Stone	0.50 425.00/hr	212.50
3/2/2011	DHM Email Chris Whelan	0.50 425.00/hr	212.50
3/7/2011	JMP Research (Lexis); prepare motion to withdraw	0.50 300.00/hr	150.00
3/8/2011	JCH Prepare motion in opposition	0.30 350.00/hr	105.00
	DHM Telephone w/Chris re Motion and hearing; emails	1.00 425.00/hr	425.00
3/15/2011	JCH Review opposition to summary judgment; email to client re same	0.80 350.00/hr	280.00
3/16/2011	DHM Telephone w/Chris Whelan re motion	0.30 425.00/hr	127.50
3/24/2011	JCH Review memo in support of S/J from Whelan	0.30 350.00/hr	105.00
	JCH Review and file memo in support of S/J	0.30 350.00/hr	105.00
3/31/2011	JCH Review Haas response to S/J memo; email to client	0.30 350.00/hr	105.00
5/5/2011	DHM Email re Order	0.60 425.00/hr	255.00
	JCH Review summary judgment order; email to client	0.30 350.00/hr	105.00

	<u>Hrs/Rate</u>	<u>Amount</u>
5/6/2011 JCH Review scheduling of deadlines and hearing; email David Moyes re same	0.20 350.00/hr	70.00
5/9/2011 JCH Conference w/David Moyes re fees	0.20 350.00/hr	70.00
For professional services rendered	188.70	\$71,065.00
Additional Charges :		
8/2/2010 JCH Lexis-Nexis Research - July		57.07
9/1/2010 JCH Lexis-Nexis Research-August		146.10
9/10/2010 DHM USPS - Priority Mail (docs to expert)		15.70
9/28/2010 DHM Applied Forensics-Expert Fee		1,250.00
JCH Cavalier Courier to Tracy Moran		44.00
10/1/2010 JCH Lexis-Nexis Research-September		5.25
DHM Applied Forensics-Expert Fee		1,500.00
11/1/2010 JCH Lexis-Nexis Research-October		16.00
11/30/2010 JCH Lexis-Nexis Research-November		94.68
12/6/2010 DHM Casamo Reporters-Haas Depositions		661.50
12/31/2010 JCH Lexis-Nexis Research-December		4.72
1/31/2011 JCH Lexis-Nexis Research - January		12.41
4/1/2011 JCH Lexis-Nexis Research - March		7.18
Total additional charges		\$3,814.61
Total amount of this bill		\$74,879.61
Accounts receivable transactions		
5/17/2010 Payment - thank you		(\$3,867.50)
7/19/2010 Payment - thank you		(\$15,000.00)
1/5/2011 Payment - thank you. Check No. 10078		(\$5,000.00)
Total payments and adjustments		(\$23,867.50)

	<u>Amount</u>
Balance due	<u>\$51,012.11</u>